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JUN 29 AM 10:56
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
 THOMAS KEITH CASEBEER,)
 Defendant.)

No. CR 3-05-70327-EDL

~~[PROPOSED]~~ ORDER EXCLUDING
 TIME UNDER THE SPEEDY TRIAL ACT

This matter came on the calendar of the Honorable Maria-Elena James on June 16, 2005 for status. The Court continued the matter until June 29, 2005 at 9:30 a.m. for further status and to set a removal hearing.

The parties requested an exclusion of time under the Speedy Trial Act from June 16 through June 29, 2005 on two bases. First, counsel for the defendant, Edward Swanson, Esq., will need time to review discovery which has not yet been provided from the District of Guam. Second, time is excludable based upon delay resulting from the transfer of a case or the removal of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G). The parties agree that the

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time from June 16 through June 29, 2005 should be excluded in computing the time within which trial shall commence.

Accordingly, the Court HEREBY ORDERS that the time from June 16 through June 29, 2005 is excluded under the Speedy Trial Act as delay resulting from the transfer of a case or the removal of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G). Additionally, the Court HEREBY ORDERS that the time from May 26 through June 16, 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested exclusion would deny the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED.

DATED: *June 28, 2005*


HONORABLE ~~MARIA ELENA JAMES~~
UNITED STATES DISTRICT JUDGE

NANDOR VADAS

Approved as to form:


EDWARD SWANSON
Attorney for Defendant


MONICA FERNANDEZ
Assistant United States Attorney